

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CALVIN HEMPSTEAD,

Plaintiff,

v.

Case No. 15-cv-278-JPG-PMF

THOMAS SPILLER, JEREMY NORMAN,
MICHAEL EDWARDS, J. MILLER, C/O
ROELANDT, NURSE FARRIS, NURSE HILL,
NURSE LONG, RECTOR and DR. SHAH,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 38) of Magistrate Judge Philip M. Frazier screening plaintiff Calvin Hempstead’s amended complaint (Doc. 33) pursuant to 28 U.S.C. § 1915A and recommending that the Court allow Count 2, a claim against defendants Dr. Shah, Rector, Long, Hill and Farris for deliberate indifference to a serious medical need, to proceed.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 38);

- **ORDERS** that Count 2 of the Amended Complaint against defendants Dr. Shah, Rector, Long, Hill and Farris for deliberate indifference to a serious medical need shall be allowed to proceed; and
- **ORDERS** that Dr. Shah, Rector, Long, Hill and Farris shall have up to and including September 21, 2015, to answer or otherwise respond to Count 2 of the Amended Complaint.

IT IS SO ORDERED.

DATED: August 26, 2015

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**